



PATENT
Attorney Docket 054800-5015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#26

In re Application of: **Roderic Dale et al.**

Application No. **09/408,761**

Filed: **September 29, 1999**

For: **Methods for Production of Arrays
with Modified Oligonucleotide and
Polynucleotide Compositions**

Group Art Unit: **1631**

Examiner: **Marianne Allen** MAY 30 2003

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NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 24, 2002 (Paper No. 25) of the Examiner finally rejecting claims 34-40 and 42-46. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply.

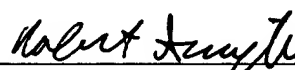
Applicants petition for a two-month extension of time from March 24, 2003 to May 24, 2003, the small entity fee for which is \$205.00 as set forth in 37 C.F.R. 1.17(a)-(d). This Notice of Appeal is being filed under the next business day rule on Tuesday, May 27, 2003 as the due date for responding fell on a weekend (Saturday, May 24, 2003) and Monday, May 26, 2003 was a federal holiday. If an additional extension of time is required, please consider this a Petition therefor.

The Commissioner is hereby authorized to charge **\$365.00** to Deposit Account No. 50-0310 for payment of the small entity two-month extension of time fee (\$205.00) and the Notice of Appeal fee (\$160.00) as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **May 27, 2003**
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Respectfully submitted,
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